

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DEMARIO MOORE,

Plaintiff(s),

vs.

OFFICER B. CARIDINE, STAR NO. 608
Individually and as an agent, servant and/or
employee of the VILLAGE OF DOLTON, a
Body Politic and Corporate,

Defendant(s).

NO. FILED: AUGUST 26, 2008
08CV4864
JUDGE KOCORAS
MAGISTRATE JUDGE MASON
TG

COMPLAINT

COUNT I

CIVIL RIGHTS - COMPENSATORY AND PUNITIVE DAMAGES

NOW COMES the Plaintiff, DEMARIO MOORE, by and through the LAW OFFICES OF STEVEN J. MALMAN & ASSOCIATES, P.C., and complaining of the Defendant, OFFICER B. CARIDINE, STAR NO. 608, Individually and as an agent, servant and/or employee of the VILLAGE OF DOLTON, A Body Politic and Corporate, Individually, states as follows:

1. That this action arises under Section 1983 and 1988 of the Civil Right Act, to-wit: 42 U.S.C., Sections 1983 and 1988 and the jurisdiction of this Court is based upon 28 U.S.C., Sections 1331 and 1343.

2. That on or about September 2, 2007, and for a long time prior thereto, the Defendant, OFFICER B. CARIDINE, STAR NO. 608 was employed as a Village of Dolton police officer, within the scope of his employment and under the color of state law.

3. That on or about September 2, 2007, Plaintiff, DEMARIO MOORE, was lawfully at a location commonly known as Secrets Night Club, 14112 South Chicago Road in the Village of Dolton, County of Cook and State of Illinois, when Defendant, OFFICER B. CARIDINE, STAR NO. 608 placed the Plaintiff under arrest.

4. That Plaintiff, DEMARIO MOORE, while being transported to the Dolton Police Department lock-up was assaulted and battered without any reason or provocation by the Defendant, OFFICER B. CARIDINE, STAR NO. 608, specifically, when said Defendant battered Plaintiff about his body and face.

5. That Defendant, OFFICER B. CARIDINE, STAR NO. 608, specifically assaulted and battered the plaintiff, DEMARIO MOORE, about his body without any reasonable provocation whatsoever or in a defensive manner and committed said assault using excessive force which was unreasonable in light of the facts and circumstances confronting the Defendant, OFFICER B. CARIDINE, STAR NO. 608, which resulted in severe injuries to the Plaintiff, DEMARIO MOORE.

6. That said Defendant, OFFICER B. CARIDINE, STAR NO. 608, assaulted and battered the Plaintiff, DEMARIO MOORE without any reasonable provocation whatsoever and committed said assault using excessive force after they knew that Plaintiff, DEMARIO MOORE, was not acting in a defensive manner and Defendant's acts were committed in a reckless and callous disregard for Plaintiff's rights.

7. That the assault of the Plaintiff herein, as fully described herein, was committed by the Defendant, OFFICER B. CARIDINE, STAR NO. 608, under the color of law and violated the rights of the Plaintiff, DEMARIO MOORE, as guaranteed by the Fourth Amendment via the Fourteenth Amendment of the Constitution of the United States.

8. That as a direct and proximate result of the acts of the Defendant, OFFICER B. CARIDINE, STAR NO. 608, the Plaintiff, DEMARIO MOORE, became seriously and permanently injured, specifically, he suffered multiple body trauma and also suffered mental damages which in combination caused great discomfort and has and will cause the plaintiff to incur ongoing damages as he attempts to recover from the damages proximately caused by the acts of the Defendant, OFFICER B. CARIDINE, STAR NO. 608.

WHEREFORE, the Plaintiff, DEMARIO MOORE, prays for judgment against the Defendant, OFFICER B. CARIDINE, STAR NO. 608, in excess of ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS for compensatory and punitive damages, plus costs of this action and also for attorney's fees incurred herein pursuant to this action.

COUNT II

INTENTIONAL TORT ASSAULT AND BATTERY

NOW COMES the Plaintiff, DEMARIO MOORE, by and through the LAW OFFICES OF STEVEN J. MALMAN & ASSOCIATES, P.C., and complaining of the Defendant, OFFICER B. CARIDINE, STAR NO. 608, herein acting as an agent, servant and/or employee of the Defendant, VILLAGE OF DOLTON, a Body Politic and Corporate, Individually, states as follows:

9. That this cause of action arises under Illinois State Law and this Court has jurisdiction over this State Law claim, pursuant to 28 U.S.C. Section 1367.

10. That on or about September 2, 2007, Plaintiff, DEMARIO MOORE, was lawfully at a location commonly known as Secrets Night Club, 14112 South Chicago Road in the Village of Dolton, County of Cook and State of Illinois.

11. That on or about September 2, 2007, and for a long time prior thereto, the Defendant, OFFICER B. CARIDINE, STAR NO. 608, was employed as a City of Dolton police officers by virtue of the law of the State of Illinois.

12. That said Defendant, OFFICER B. CARIDINE, STAR NO. 608, assaulted and battered said Plaintiff without probable cause, the result of which the Plaintiff is presently in the most serious physical condition imaginable.

13. That at all times mentioned in this complaint the Plaintiff was in the exercise of due care and caution for his own safety.

14. That it was the duty of the Defendant, OFFICER B. CARIDINE, STAR NO. 608, herein acting as an agent, servant and/or employee of Defendant, VILLAGE OF DOLTON, a Body Politic and Corporate, Individually, not to subject the Plaintiff to unreasonable risk of injury.

15. That at the aforesaid time and place, the Defendant, OFFICER B. CARIDINE, STAR NO. 608, herein acting as an agent, servant and/or employee of Defendant, VILLAGE OF DOLTON, a Body Politic and Corporate, Individually, did commit one or more of the following intentional acts:

- a. Intentionally assaulted and battered the Plaintiff about his body and face.
- b. Intentionally assaulted and battered the Plaintiff without probable cause and without provocation and without fear for his life.

16. That as a direct and proximate result of the aforesaid intentional acts of the Defendant, OFFICER B. CARIDINE, STAR NO. 608, Individually, and acting as an agent, servant and/or employee of Defendant, VILLAGE OF DOLTON, a Body Politic and Corporate, said Plaintiff was seriously and permanently injured, both internally and externally, specifically, Plaintiff suffered multiple body trauma and mental damage; he

suffered great pain and anguish and was hindered and delayed in his occupation and continues in said same condition presently.

WHEREFORE, the Plaintiff, DEMARIO MOORE, prays for judgment against the Defendant, OFFICER B. CARIDINE, STAR NO. 608, herein acting as an agent, servant and/or employee of Defendant, VILLAGE OF DOLTON, a Body Politic and Corporate, Individually, in excess of ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS, plus costs of this action.

COUNT III

RESPONDEAT SUPERIOR

17. Plaintiff realleges and incorporates herein paragraphs 1 through 8 of Count I and 9 through 16 of Count II as if fully set forth herein.

18. The actions of the individual Defendant as set forth above and herein were done while the Defendant was within the scope of their employment.

19. Defendant, VILLAGE OF DOLTON employed said Defendant and is therefor liable under the Doctrine of Respondeat Superior for the state law claims alleged in Count II above.

WHEREFORE, the Plaintiff, DEMARIO MOORE, prays for judgment against the Defendant, OFFICER B. CARIDINE, STAR NO. 608 , herein acting as an agent, servant and/or employee of Defendant, VILLAGE OF DOLTON, a Body Politic and Corporate, Individually, in excess of ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS, plus costs of this action.

Respectfully submitted,

/s/ Steven J. Malman
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